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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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|   |                      |                        |              |
|---|----------------------|------------------------|--------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number   | 10/018,638-Conf. #5196 |              |
|   | Filing Date          | July 15, 2002          |              |
|   | First Named Inventor | Martin Matthew MATZUK  |              |
|   | Art Unit             | 1636                   |              |
|   | Examiner Name        | C. X. Qian             |              |
| Total Number of Pages in This Submission  |                      | Attorney Docket Number | MTN-029USRCE |

**ENCLOSURES (Check all that apply)**

|  |  |   |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><br><input type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment/Reply<br><br><input type="checkbox"/> After Final<br><br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Reply to Missing Parts/Incomplete Application<br><br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) _____<br><br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br><br>Submission and Itemization of Deficiency Payment in Accordance with 37 C.F.R. § 1.28(c); Appendix A; Return Receipt Postcard |
| <b>Remarks</b>   |  |   |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|              |                         |          |        |
|--------------|-------------------------|----------|--------|
| Firm Name    | LAHIVE & COCKFIELD, LLP |          |        |
| Signature    |                         |          |        |
| Printed name | Jeanne M. DiGiorgio     |          |        |
| Date         | March 20, 2007          | Reg. No. | 41,710 |

Express Mail Label No. EV 957 673 162 US Dated: March 20, 2007

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Docket No.: MTN-029USRCE  
(PATENT)



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Martin Matthew Matzuk *et al.*

Application No.: 10/018,638

Confirmation No.: 5196

Filed: July 15, 2002

Art Unit: 1636

For: GROWTH DIFFERENTIATION FACTOR-9  
REGULATORY SEQUENCES AND USES  
THEREFOR

Examiner: C. X. Qian

**SUBMISSION AND ITEMIZATION OF DEFICIENCY PAYMENT IN  
ACCORDANCE WITH 37 C.F.R. § 1.28(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. 1.28(c), Applicants assert that payments were made in error during the prosecution of the above-identified application. Specifically, as indicated at Line Nos. 1-7, 11 and 12 of the following itemization of payments made during prosecution, Applicants erroneously paid small entity fees when filing the above-identified application and upon the submission of a Request for Continued Examination. Accordingly, Applicants herewith submit a deficiency payment. Furthermore, it is respectfully requested that the above-identified patent application be deemed a large entity.

03/22/2007 AWONDAF1 00000003 120000 10010638

|            |            |           |
|------------|------------|-----------|
| 01 FC:1453 | 860.00 DA  | 640.00 OP |
| 02 FC:1801 | 790.00 DA  |           |
| 03 FC:1253 | 1020.00 DA |           |
| 04 FC:1251 | 120.00 DA  |           |

**ITEMIZATION OF PAYMENTS MADE IN ERROR\***

| Line No.         | Type of Fee  | Mailroom Date | Accounting Date | Fee Code | Fee Amount     | Current Fee    | Deficiency Payment Owed |
|------------------|--|---------------|-----------------|----------|----------------|----------------|-------------------------|
| 1                | Petition to revive unintentionally abandoned application             | 12/19/2001    | 12/31/2001      | 241      | \$640          | \$1,500        | \$860                   |
| 2                | Basic National Fee   | 12/19/2001    | 12/31/2001      | 971      | \$445          | \$900          | \$455                   |
| 3                | Oath or declaration after twenty or thirty months from priority date | 12/19/2001    | 12/31/2001      | 254      | \$65           | \$130          | \$65                    |
| 4                | Claims in excess of twenty (11)                                      | 12/19/2001    | 12/31/2001      | 967      | \$99           | \$550          | \$451                   |
| 5                | Independent claims in excess of three (4)                            | 12/19/2001    | 12/31/2001      | 965      | \$168          | \$800          | \$632                   |
| 6                | Multiple dependent claim   | 12/19/2001    | 12/31/2001      | 969      | \$140          | \$360          | \$220                   |
| 7                | Extension for response within first month                            | 07/15/2002    | 07/19/2002      | 215      | \$55           | \$120          | \$65                    |
| 8                | Assignment Recordation   | 07/22/2002    | 07/23/2002      | 581      | \$40           | \$40           | N/A                     |
| 9                | Extension for response within third month                            | 04/04/2005    | 04/07/2005      | 1253     | \$1,020        | \$1,020        | N/A                     |
| 10               | Submission of an Information Disclosure Statement                    | 06/24/2005    | 07/05/2005      | 1806     | \$180          | \$180          | N/A                     |
| 11               | Extension for response within third month                            | 12/27/2005    | 12/30/2005      | 2253     | \$510          | \$1,020        | \$510                   |
| 12               | Request for continued examination                                    | 12/27/2005    | 12/30/2005      | 2801     | \$395          | \$790          | \$395                   |
| 13               | Extension for response within third month                            | 08/10/2006    | 08/14/2006      | 1253     | \$1,020        | \$1,020        | N/A                     |
| <b>TOTAL DUE</b> |  |               |                 |          | <b>\$4,777</b> | <b>\$8,430</b> | <b>\$3,653</b>          |

\*Please note that this Itemization corresponds to the "Fee History Query" forwarded by the Revenue and Accounting Management Department of the United States Patent and Trademark Office; a copy of which is attached herewith as Appendix A.

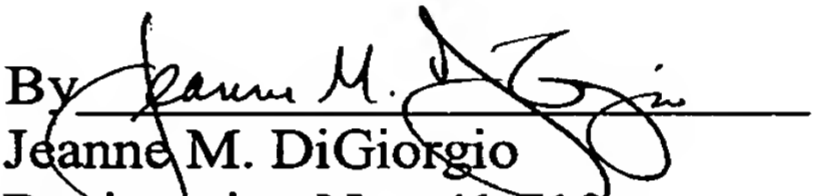
**CONCLUSION**

As indicated above, Applicants owe a deficiency payment of \$3,653.00 for payments made in error during the course of prosecution. The Director is hereby authorized to charge \$3,653.00 to Deposit Account No. 12-0080 under Order No. MTN-029USRCE from which the undersigned is authorized to withdraw.

Should the Director have any questions or concerns, the Director is invited to call the undersigned.

Dated: March 20, 2007

Respectfully submitted,

By   
Jeanne M. DiGiorgio  
Registration No.: 41,710  
LAHIVE & COCKFIELD, LLP  
One Post Office Square  
Boston, Massachusetts 02109-2127  
(617) 227-7400  
(617) 742-4214 (Fax)  
Attorney/Agent For Applicant



|   |  |                          |                        |
|---|--|--------------------------|------------------------|
| <b>Effective on 12/08/2004.</b><br><b>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</b><br><b>FEE TRANSMITTAL</b><br><b>For FY 2006</b> |  | <b>Complete if Known</b> |                        |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27   |  | Application Number       | 10/018,638-Conf. #5196 |
| TOTAL AMOUNT OF PAYMENT (\$)  |  | Filing Date              | July 15, 2002          |
| 3,653.00  |  | First Named Inventor     | Martin Matthew MATZUK  |
|   |  | Examiner Name            | C. X. Qian             |
|   |  | Art Unit                 | 1636                   |
|   |  | Attorney Docket No.      | MTN-029USRCE           |

**METHOD OF PAYMENT** (check all that apply)

☒ Check    ☐ Credit Card    ☐ Money Order    ☐ None    ☐ Other (please identify): \_\_\_\_\_

☐ Deposit Account    Deposit Account Number: 12-0080    Deposit Account Name: Lahive & Cockfield, LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below    ☐ Charge fee(s) indicated below, except for the filing fee

☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17    ☒ Credit any overpayments

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   |                |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    |                |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   |                |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     |                |

**2. EXCESS CLAIM FEES**

| Fee Description                                    | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues)            | 50       | 25                    |
| Each independent claim over 3 (including Reissues) | 200      | 100                   |
| Multiple dependent claims                          | 360      | 180                   |

**Total Claims**    **Extra Claims**    **Fee (\$)**    **Fee Paid (\$)**    **Multiple Dependent Claims**

\_\_\_\_\_ - 20 = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_    **Fee (\$)**    **Fee Paid (\$)**

HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims**    **Extra Claims**    **Fee (\$)**    **Fee Paid (\$)**

\_\_\_\_\_ - 3 = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets        | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|---------------------|--------------|--|----------|---------------|
| _____ - 100 = _____ | /50          | _____ (round up to a whole number) x             | _____ =  |               |

**4. OTHER FEE(S)**

|  | Fees Paid (\$) |
|--|----------------|
| Non-English Specification, \$130 fee (no small entity discount)                            |                |
| Other (e.g., late filing surcharge): <u>See attached Itemization of Deficiency Payment</u> | 3,653.00       |

|                     |                     |                                   |                |
|---------------------|---------------------|-----------------------------------|----------------|
| <b>SUBMITTED BY</b> |                     |                                   |                |
| Signature           |                     | Registration No. (Attorney/Agent) | 41,710         |
| Name (Print/Type)   | Jeanne M. DiGiorgio | Telephone                         | (617) 227-7400 |
|                     |                     | Date                              | March 20, 2007 |

|   |
|---|
| Express Mail Label No. EV 957 673 162 US    Dated: March 20, 2007 |
|---|



# **RAM Fee History Query**

Revenue Accounting and Management

Name/Number: 10018638

Total Records Found: 13

Start Date: Any Date

End Date: Any Date

| Accounting Date | Sequence Num. | Fee Type | Fee Code | Fee Amount | Mailroom Date | Payment Method |
|-----------------|---------------|----------|----------|------------|---------------|----------------|
| 08/14/2006      | 00000063      | 1        | 1253     | \$1,020.00 | 08/10/2006    | DA 120080      |
| 12/30/2005      | 00000065      | 1        | 2801     | \$395.00   | 12/27/2005    | DA 120080      |
| 12/30/2005      | 00000066      | 1        | 2253     | \$510.00   | 12/27/2005    | DA 120080      |
| 07/05/2005      | 00000005      | 1        | 1806     | \$180.00   | 06/24/2005    | DA 120080      |
| 04/07/2005      | 00000021      | 1        | 1253     | \$1,020.00 | 04/04/2005    | DA 120080      |
| 07/23/2002      | 00000155      | 1        | 581      | \$40.00    | 07/22/2002    | DA 120080      |
| 07/19/2002      | 00000217      | 1        | 215      | \$55.00    | 07/15/2002    | DA 120080      |
| 12/31/2001      | 00000202      | 1        | 271      | \$445.00   | 12/19/2001    | CK             |
| 12/31/2001      | 00000203      | 1        | 254      | \$65.00    | 12/19/2001    | CK             |
| 12/31/2001      | 00000204      | 1        | 267      | \$99.00    | 12/19/2001    | CK             |
| 12/31/2001      | 00000205      | 1        | 265      | \$168.00   | 12/19/2001    | CK             |
| 12/31/2001      | 00000206      | 1        | 262      | \$140.00   | 12/19/2001    | CK             |
| 12/31/2001      | 00000207      | 1        | 241      | \$640.00   | 12/19/2001    | CK             |